

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KUO, Terry B.J.; YANG, Cheryl C.H.

SERIAL NO.: 10/790,508

ART UNIT: 3762

FILED: March 1, 2004

EXAMINER: Greene, D. D.

TITLE: METHOD AND APPARATUS FOR ANALYZING HEART RATE VARIABILITY

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)
STATEMENT OF FACTS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.137(b), the following is a statement of delay caused by unintentional circumstances.

1. The present application was filed on 1 March 2004 as a non-provisional utility patent application.
2. An Office Action was sent on July 25, 2005, rejecting all pending Claims 1-16. The deadline for response was October 25, 2005.
3. Applicant did not timely respond to the Office Action. Applicant did not intend to fail to provide a response, in the form of an amendment, to the U.S. Patent and Trademark Office. Applicant did not intend for the application to be abandoned.
4. As such, the Application was constructively abandoned as of 25 January 2006.
5. A Notice of Abandonment was sent on September 15, 2006.
6. The present petition is less than three months after the date the U.S. Patent and Trademark Office sent the Notice of Abandonment on September 15, 2006.

7. The present petition is less than one year after the date of actual abandonment by the U.S. Patent and Trademark Office on January 25, 2006.
8. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant petitions for revival based upon unintentional delay, and Applicant has included a proper response, comprising transmittal of an amendment, concurrent with the present filing of the Petition. Applicant files the required reply to secure revival of the patent application for consideration on the merits and eventual issuance of allowable subject matter by the U.S. Patent and Trademark Office.

The present Petition for Revival is less than one year of the actual abandonment. The present Petition for Revival is less than three months after receiving Notice of Abandonment. This period of delay was not intentional. The entire period of delay, until the filing of the present grantable petition, was unintentional.

Applicant respectfully requests granting the Petition to Revive because the Applicant never intended for the application to be abandoned. No new matter has been added by the present amendment. Applicant respectfully contends that the application is now in a proper condition for consideration on the merits. The government fee of \$750 for a small entity is attached. Any additional fees for the petition to revive or any overpayment with regard to this petition and response to the Office Action may be credited or debited to Deposit Account 08-0879.

Respectfully submitted,

November 1, 2006

Date

/Andrew W. Chu/

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

PETITION FOR REVIVAL OF AN APPLICATION (37 C.F.R. § 1.137(b))

is being deposited by electronic filing on November 1, 2006.

Respectfully submitted,

November 1, 2006
Date

Customer No. 24106

/Andrew W. Chu/

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